

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM

Present: Sri. P. K. Mohandas, Judge for NIA Cases

Monday the 11th day of November, 2024/20th Karthikia, 1946

Crl.M.P. No.437/2024

In

SC 02/2021/NIA/KOC

Petitioner

: Union of India represented by National Investigation Agency, Kochi.

**By Sri. Arjun Ambalappatta
(Senior Public Prosecutor, NIA) and
Sri. Sreenath.S (Public Prosecutor,
NIA).**

**Accused Nos. 6, 13 and 20
in SC 2/21/NIA.**

1. Sreemathi B.P @ Unnimaya @ Savitha @ Paappa @ Sangeetha (A6 in SC 2/21), aged 33 years, D/o. Puttugouda, Belagodukudige, Masige Village, Sringeri Taluk, Karnataka.
2. P. Thiruvengadam @ Chandu @ Chandru @ Manohar (A13 in SC 2/21)), Aged 30 years, S/o. Paneer Selvam, Door No. 14, Muruthuvampadi Village and post, Thiruvannamalai Taluk, Tamilnadu.
3. Aneesh Babu @ Thambi @ Anand @ Lawrence (A20 in SC 2/21)), aged 29 years, S/o. Mani Arasu, 5-CMC Colony, Ukkadam, Coimbatore City, Tamilnadu.

**A6, A13 and A20 represented by
Adv. Sri. Thushar Nirmal Sarathy.**

This Criminal M.P coming on for hearing before me on 11.11.2024 and the Court on the same day passed the following:

ORDER

This is an application for recording moving image and photographs of the 6th, 13th, 20th accused for comparison at State FSL.

2. The petitioner is the chief investigating officer of this case. According to the petitioner, the case was registered on the basis of the information tendered by the first accused, Kalidas @ Mani @ Sekhar, when he was arrested by then DySP, Agali on 21.09.2017 in connection with crime No.153/2017 of Sholayur P.S. It was revealed that the accused had voluntarily convened a meeting and training camp in the forest of Karulai in Malappuram district with arms, including automatic rifles for the purpose of furthering the activities of proscribed terrorist organization, CPI (Maoist), in order to wage war against Government of India. Investigation was conducted by the Edakkara Police by registering Crime No.249/2017. Later, the case was handed over to the Anti Terrorist Squad of State Police and further investigation was conducted by the DySP, Crime Branch.

2. During the investigation it was revealed that Crime No.536/2016 was registered by the Edakkara Police in connection with the exchange of fire between the Maoists and the security forces on 24.11.2016, in which 2 Maoists died. During the investigation of that case, various electronic gadgets, including laptop, pendrive, etc were recovered from the scene of

incident. On examination of these gadgets, the role of some of the accused were revealed. During investigation by the Kerala Police, involvement of 25 persons in the crime was disclosed. ATS filed charge sheet against five arrested accused. Later, Government of India as per order dated 19.08.2021 directed the NIA to take over the investigation and the case was re-registered in the present number on 20.08.2021. During investigation by NIA three more persons were arrayed as accused Nos. 26 to 28 respectively. The investigation was conducted against A1 to A28 and charge sheet was submitted before this court on 23.04.2022 as SC.02/2021 and the court rearranged the accused from A1 to A20 by excluding expired accused.

3. It is submitted that the court had issued non bailable warrant against 6 absconding accused and further investigation to track them is also pending.

4. On 07.11.2023, Maoists, including Srimathi B. P. @ Unnimaya @ Savitha (A-6) and P. Thiruvengadam @ Chandu @ Chandru (A-13), were apprehended in a firefight with the Thunder Bolts of Kerala Police, registered as Crime No. 743/2023 at Thalappuzha PS, Wayanad. Srimathi was remanded by the Court on 06.01.2024 and Chandu on 19.01.2024. On 08.11.2023, during the Patrolling duty, SHO of Quilandy Police Station, identified and arrested Aneesh Babu @ Thambi @ Anand (A-20) and remanded to judicial custody.

5. The 13th accused P. Thirvengadam and 20th accused Aneesh Babu were absconding since long years and also involved in various other cases related to CPI (Maoist). The modus of their decision to wage war against the Government of India be understood and all the key players to be brought to light since it is a matter of security of the country.

6. It is further submitted that investigation conducted so far has given sufficient reasons to believe that the accused person A-6, A-13 and A-20 is associated with the proscribed terrorist organization CPI Maoist and had conspired and conducted training camps at various places in India to further the activities of the proscribed terrorist organization CPI (Maoist). In furtherance of the conspiracy, the accused persons participated in physical and weapon training for People Liberation Guerrilla Army (PLGA-the military wing of CPI Maoist) to get well versed in using sophisticated weapons and IEDs. Moreover under the supervision of Vikram Gowda (A-8) the accused had practiced different tactics being used in the Guerrilla warfare.

7. The videos of arms/physical training etc. by the accused, conducted by CPI (Maoist), found in the digital devices seized in Crime No. 536/2016 of Edakkara PS (MO-86 & MO-87) will prove that the arrested accused had actively participated in the arms/physical training conducted by CPI (Maoist). These include footage recorded and detailed in FSL report No. DD-46/127 and DD-524/16. This visual evidence is crucial for substantiating

the charges against the accused and establishing their involvement in the prohibited activities under the UAPA.

8. I have heard the counsel for the accused, the Public Prosecutor and perused the records.

9. The investigating officer has reported that, in order to ensure the availability of crucial scientific evidence, it is necessary to record the video and photographs of the 6th, 13th, 20th accused, who were presently detained at Women's Prison, Viyyur, Central Prison, Viyyur and Central Prison, Thavanur respectively. The learned Special Public Prosecutor submitted that recording of videography and photographs of above accused is highly necessary for further investigation of the case.

10. On going through the petition and the case records and considering the facts and circumstances of the case, I am of the view that comparison of digital evidence at SFSL is necessary for the proper decision in the case and permission can be granted to record photograph and videograph of the accused as requested.

Hence, the petition is allowed. The petitioner is permitted to record the video and take photograph of the 6th accused Unnimaya @ Unni @ Srimati who is detained at Women's Prison, Viyyur, 13th accused Chandu @ Chandru @ Thiruveadam who is detained at Central Prison, Viyyur, 20th accused Aneesh Babu @ Thampi who is detained at Central Prison,

Thavanur in connection with this case in the presence of the Superintendent of the Jail, between 08.00 a.m. and 6.00 p.m. on any day before 30.11.2024.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 11th day of November, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for NIA Cases

Appendix: Nil

Id/-
Judge, Special Court for NIA Cases
(By Order)

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Sd/-
Sheristadar.